

CASE NO. 16-C-301

OPENED 7/29/2016

JUDGE... J.D. BEANE

PLAINTIFF. SUZANNE BRENNER, AND BRIAN BRENNER, HER HUSBAND  
VS DEFENDANT. GATEWAY HOSPITALITY PARKERSBURG, LLC D/B/A COMFORT SUITES-P-

PRO ATTY.. BRIAN J. HEADLEY  
DEF ATTY..

PAGE# DATE MEMORANDUM.....

00001 7/29/16 Comp fld;sums &1 issd;rtn 30 days;sent to SOS  
00002 8/11/16 Sums accepted by SOS for Gateway Hospitality on 8-5-16

STATE OF WEST VIRGINIA,  
COUNTY OF WOOD, TO-WIT:

I, CAROLE JONES, Clerk of the Circuit Court of  
Wood County, West Virginia, hereby certify that  
the foregoing is a true and correct copy as  
the same appears in the records of said Court.

Witness my hand and the seal of said Court  
this 19th day of August, 2016.

19 Aug 2016  
Carole Jones

R. Jones



Office of the Secretary of State  
Building 1 Suite 157-K  
1900 Kanawha Blvd E.  
Charleston, WV 25305



**Natalie E. Tennant**  
Secretary Of State  
State Of West Virginia  
Phone: 304-558-6000  
866-767-8683  
Visit us online:  
[www.wvsos.com](http://www.wvsos.com)

Carole Jones  
Wood Co. Judicial Bldg., Rm. 133  
#2 Government Square  
Parkersburg, WV 26101-5353

**Control Number:** 110841

**Defendant:** GATEWAY HOSPITALITY  
PARKERSBURG, LLC  
135 SOUTH HOLIDAY STREET  
STRASBURG, VA 22657 US

**Agent:** KEITH D. STEPHENS

**County:** Wood

**Civil Action:** 16-C-301

**Certified Number:** 92148901125134100001157669

**Service Date:** 8/5/2016

I am enclosing:

**1 summons and complaint**

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in your name and on your behalf.

*Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in your name and on your behalf as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper, **not to the Secretary of State's office.***

Sincerely,

A handwritten signature in cursive script that reads "Natalie E. Tennant".

Natalie E. Tennant  
Secretary of State

RETURNED  
AUG 11 2016  
CAROLE JONES  
CLERK CIRCUIT COURT

A handwritten mark, possibly a stylized "V" or a checkmark, located next to the court stamp.

IN THE CIRCUIT COURT OF WOOD COUNTY, WEST VIRGINIA

SUZANNE BRENNER, and  
BRIAN BRENNER, her husband,

Plaintiffs,

Civil Action No. 16-C-301

v.

GATEWAY HOSPITALITY  
PARKERSBURG, LLC d/b/a  
COMFORT SUITES - PARKERSBURG,

JURY TRIAL DEMANDED

Defendant.

COMPLAINT

NOW COME the Plaintiffs, Suzanne Brenner and Brian Brenner, her husband, by counsel, Brian J. Headley, Esquire, and file the following action seeking recovery for personal injuries sustained by Suzanne Brenner. In support thereof, the Plaintiffs aver as follows:

**PARTIES**

1. The Plaintiffs, Suzanne Brenner and Brian Brenner, her husband, are adult individuals that reside at 320 East Puce Road RR#1, Bell River, Ontario, Canada N0R1A0.
2. The Defendant, Gateway Hospitality Parkersburg, d/b/a Comfort Suites -- Parkersburg ("Comfort Suites"), is a Virginia corporation with its principal place of business in Strasburg, Virginia.
3. Comfort Suites owns and operates a hotel located at 167 Elizabeth Pike in Mineral Wells, Wood County, West Virginia, (hereinafter the "Hotel"). All events described herein occurred at the Hotel.
4. Comfort Suites is subject to the jurisdiction of this Court given that the Hotel is located in Wood County, West Virginia. Further, as described below, Comfort Suites caused tortious injury in this State.

FILED IN OFFICE

JUL 29 2016

CAROLE JONES  
CLERK CIRCUIT COURT

### FACTS

5. In the evening of December 1, 2014, Suzanne Brenner and her husband, Brian Brenner, checked into the Hotel.

6. At about 8:00 p.m., Suzanne Brenner went into the tub to take a shower.

7. After shampooing and rinsing her hair, Suzanne suddenly began to slip and struggled to keep her balance.

8. The bathtub had no safety mat to prevent slipping, nor did it have any "grab bar" that she could have grasped to regain her balance.

9. As a result, Suzanne's feet flew out from under her, and she suffered a hard fall onto her bottom and back.

10. Comfort Suites could have and should have taken the steps necessary to prevent Suzanne's foreseeable fall by installing the necessary safety equipment in or around the bathtub to prevent slipping in the bathtub or providing its guests with a way to regain their balance in the event that they lost their balance in the bathtub.

11. Because Comfort Suites failed to take the precautions to be expected at a reasonably prudent hotel owner and operator, the Plaintiffs have suffered severe, permanent injuries and damages.

12. In particular, as a result of the fall at the Hotel, Suzanne has endured severe back and leg pain; a large paracentral disc protrusion with extended component at the L1-L2 level; a right-sided foraminotomy and microdisectomy of L1-L2, L2-L3, and L4-L5, removing extradural disk and ligamentum flavum at L2; months of hospital stays; a T1-T11 laminectomy and removal of nerve stimulator, L1-L4 laminectomy and decompression with removal of the second nerve stimulator; L2-L3 disectomy and removal of disk; repair of the CSF leak with

duraplasty and DuraSeal; using a local anesthetic with nerve block for pain management; the need for home health care assistance; and permanent physical limitations.

13. As a result of the fall at Comfort Suites, Suzanne has also suffered mental and emotional distress and anguish, annoyance and inconvenience, the inability to enjoy life as she could before, and the inability to function as a whole person. Ms. Brenner also has incurred and will incur significant medical expenses to treat her injuries and has been advised that she will need to undergo a third surgery due to the fall.

#### **COUNT I – NEGLIGENCE**

14. The Plaintiffs hereby incorporate Paragraphs 1 through 13 as though fully set forth herein.

15. Comfort Suites, as the owner and operator of the Hotel, had a duty of reasonable care to maintain the premises in a reasonably safe condition and to prevent its guests from suffering the consequences of foreseeable and avoidable accidents.

16. The Defendant breached its duty of care by failing to take the necessary precautions to prevent its customers from falling, which proximately caused the Plaintiffs to suffer compensable injuries and damages.

WHEREFORE, the Plaintiffs pray that the Court award them damages sufficient to compensate them for their injuries as set forth herein.

#### **COUNT II – LOSS OF CONSORTIUM**

17. The Plaintiffs hereby incorporate Paragraphs 1 through 16 as though fully set forth herein.

18. Plaintiff Brian Brenner has suffered the loss of Suzanne Brenner's services, society, companionship, comfort, guidance, affection, and aid as a result of the Defendant's negligent actions and omissions.

WHEREFORE, the Plaintiffs pray that the Court award Brian Brenner damages sufficient to compensate him for his injuries as set forth herein.

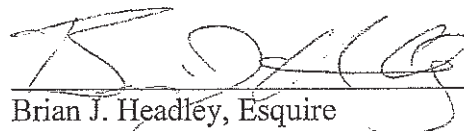
**PRAYER FOR RELIEF**

WHEREFORE, the Plaintiffs pray that the Court award them damages in excess of the jurisdictional minimums of this Court and in an amount sufficient to compensate them fully for their injuries as set forth herein, including an award of prejudgment interest, post-judgment interest, attorneys' fees, costs, expenses, and such other relief as the Court deems appropriate.

**THE PLAINTIFFS HEREBY DEMAND A TRIAL BY JURY.**

Respectfully submitted,

By:



Brian J. Headley, Esquire  
West Virginia Bar No. 9667  
Headley Law LLC  
1156 Bowman Rd., Suite 200  
Mount Pleasant, SC 29464  
(843) 375-6181


and

Bruce M. White, Esquire  
West Virginia Bar No. 4004  
The Law Offices of Bruce M. White, LLC  
720 Juliana Street  
Parkersburg, WV 26101  
(304) 485-5444  
*Counsel for the Plaintiffs*

STATE OF WEST VIRGINIA,  
COUNTY OF WOOD, TO-WIT:

I, CAROLE JONES, Clerk of the Circuit Court of Wood County, West Virginia, hereby certify that the foregoing is a true and correct copy as the same appears from the records of said Court.

Given under my hand and seal of said Circuit Court, this the 18 day of Aug 2016.

  
Clerk of the Circuit Court of  
Wood County, West Virginia

By: , Deputy

## CIVIL CASE INFORMATION STATEMENT

## CIVIL CASES

(Other than Domestic Relations)

In the Circuit Court, WOOD County, West Virginia

## I. CASE STYLE:

## Plaintiff(s)

Suzanne Brenner, and Brian Brenner,

her husband

Case #

16-C-301

Judge:

vs.

Defendant(s) Gateway Hospitality

Parkersburg, LLC, Keith D. Stevens,

135 S. Holliday St., Strasburg, VA 22657

City, State, Zip

Days to  
Answer

30

Type of Service

Secretary of State

Street

City, State, Zip

Street

City, State, Zip

Street

City, State, Zip

Original and <sup>3</sup> copies of complaint enclosed/attached.

SCA-C100.02 / 1 of 2

FILED IN OFFICE

JUL 29 2016

CAROLE JONES  
CLERK CIRCUIT COURT

7/29/16 Sumner 1 is 0 sent to SOS